

# JMW Planning Limited

Response to Mrs Bayliss in respect of her comments about the outline planning application by Staffordshire Rural Development Ltd for seven 'affordable' one and two bedroomed dwellings and up to thirteen 'market' dwellings plus a new access on SHLAA site LT001, west of Heath House Lane and north of Uttoxeter Road, Lower Tean, Staffordshire Moorlands District, ST10 4LJ.

1. I am responding to the emails of 13th and 14<sup>th</sup> January 2016 and the opinion expressed by Mrs Bayliss your Senior Conservation Officer.
2. You have indicated that notwithstanding the recent sites consultation undertaken by your Council this application should be determined in accordance with paragraph 14 of the NPPF. I would not dispute that except to say that, like the development plan, the application should be judged against all the relevant guidance in that document.
3. At this stage I merely wish to repeat the point that this outline planning application was only submitted with the appropriate fee because your Council produced a public document in which this site was identified as being a "potentially suitable housing site."
4. It is reasonable to believe that before such a statement became public your Council would have carried out internal checks about matters of principle, accepting that detailed aspects of the proposed development, such as the FRA, would be checked through the application process.
5. Putting the impact on the setting of the two listed buildings aside for the moment Mrs Bayliss is objecting because she says "development on this site would have a damaging impact on the form of the historic settlement..." Any new housing could be so described in any of the villages where your Council intends to approve more housing because the current settlement pattern could be described as "historic."
6. That was the case in Lower Tean before your Council approved the housing estate centred on Goldhurst Drive, which will also have had an impact on the settlement pattern of Lower Tean that existed before that development took place. As a Council which has agreed to allocate more greenfield sites for housing in settlements across the Borough you must accept that your Core Strategy will inevitably change existing settlement patterns.
7. For the record in this case I understand that this particular housing estate was developed after 1964 by Wimpey Homes. Before that it was part of a small farm owned by Mr Brandrick. A map of the site is included in Appendix A and an aerial photograph in Appendix B. I would draw your attention to the ranges of traditionally built farmbuildings which your Council agreed could be demolished and their similarity to those at Heybridge Farm.

8. Notwithstanding the detrimental impact this housing development had on the then “historic settlement pattern” in Lower Tean, a local planning authority took the view then that the provision of more housing was more important than maintaining the status quo. Your Council’s approved Core Strategy has taken a similar view now.

9. Because of the constant need to provide new accommodation for a growing and ageing population, I would suggest that change is inevitable throughout your area. Moreover, in many cases the existing settlement pattern has no statutory or other reason to be protected. Familiarity with the existing built form of a village and a reluctance to see that change should be accorded little weight in comparison with the government’s instruction that the planning system should significantly boost the supply of housing.

10. The one exception to this would be in or on the edge of Conservation Areas. Here there has been statutory recognition of the historic form of an area following public consultation. No such circumstances exist in Lower Tean. There is no Conservation Area and hence no official recognition that Lower Tean has an “historic settlement pattern” which is worthy of protection.

11. Turning now to the matter of the two listed buildings may I firstly clarify that the house on the western boundary of the site which Mrs Bayliss refers to as Willow Gate is included on the Statutory List as Yewtree. That should not be confused with Yewtree Cottage down Mill Lane which is some distance from the application site.

12. She does not identify the level of harm that she considers development on this site will cause to the setting of that building but I consider that this will be less than substantial. I believe that case law supports this view.

13. Paragraph 134 of the NPPF is, therefore, relevant. You will know that this says “where a development proposal will lead to less than substantial to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

14. If you need a recent example of how this balancing exercise has been carried out I would refer you to the Secretary of State’s decision letter dated 14<sup>th</sup> January 2016 in respect of recovered appeal 2221613. This was an appeal by Barwood Strategic Land for a considerably greater number of dwellings than is proposed for this site.

15. The Secretary of State disagreed with his Inspector who had recommended that the appeal should be dismissed. He accepted that harm would be caused to a Grade 1 registered park and a Conservation Area but agreed with Historic England that the harm would be less than substantial. He then weighed the totality of benefits against the totality of harm and concluded, amongst other things, that the significant benefit of being able to provide homes, including affordable homes, on a site that could be developed without significant delay should be afforded greater weight.

16. Your Council will have to carry out a similar balancing exercise with this application. In order to do so you will need to be clear about the extent of the “damaging impact” Mrs Bayliss considers the proposal will have on the setting of the two listed buildings mentioned in her comments.

17. Now that the impact on the setting of the two listed buildings has been raised by Mrs Bayliss I have revisited the significance and setting of those listed buildings again to provide more details in support of the conclusions in section 7 of my Design and Access statement.

18. The Dovecote west of Heybridge farmhouse is Grade II and has the list number 1205212. The top of it is visible from the application site, and many other views in Lower Tean, so that future residents on the proposed site will be able to enjoy views of the top of that listed building. The potential for the appreciation of that building will, therefore increase, because land which is currently private will become public.

19. In terms of “significance” the Dovecote is within the lowest category of listed buildings. The list description is “Dovecote approximately 100 metres west of Heybridge Farmhouse: Circa 1863. Part of a planned farmstead of the Phillips family of Heath House and Tean Mill. Red brick with stone quoins. Steep banded tile, pyramidal roof with tilted and bracketed eaves and surmounted by wrought iron weather vane. Square plan on plinth and of approximately four-storey height; landing stage set at half height: a cornice on corbels with nesting box entries set approximately 600mm over; projecting stone band over cart entry(probably contemporary) with double boarded doors. Forms a prominent landmark and set amidst a much altered farm layout dated 1863 with the initial JWP. Heybridge Farmhouse and farm buildings are not included in this list.”

20. My clients have checked their deeds to see if there is any reference to the farmstead of the Phillips family and have found none. The application site was originally owned by the Vernon family who were local farmers and landowners. There is, therefore, no historical link between the Dovecote and the application site.

21. Moreover, nothing proposed in this application is going to detract from the significance of this listed building. Lower parts of the building are screened from the application site by the farmbuildings fronting Uttoxeter Road and those buildings will also screen the Dovecote from the increased human activity on this site if planning permission is granted. Uttoxeter Road forms a further barrier between the application site and this listed building.

22. If there is considered to be any change in the significance of this listed building then that change will be positive for the reason given in paragraph 18 above.

23. The setting of a heritage asset is defined in Annex 2 of the NPPF as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

24. Using that definition, the application site is part of the setting of this prominent listed building notwithstanding the distances between the two and the intervening farm buildings and Uttoxeter Road. Paragraph 9 of Historic England's "The Setting of Heritage Assets" explains that the importance of setting lies in what it contributes to the significance of the heritage asset.

25. That document also sets out a broad approach to be followed in assessing the impact of development on designated heritage assets and their settings. It starts with the identification of the heritage assets and their settings. The next stage is to assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset.

26. Then there is to be an assessment of the effects of the proposed development and whether they are beneficial or harmful on that significance. That is followed by an exploration of the way to maximise enhancement and avoid or minimise harm. Finally, the decision is to be documented and the outcomes monitored.

27. The significance of the Dovecote as a designated heritage asset has been discussed earlier in this statement. In addition to the reasons it has been included on the statutory list, it is an interesting and somewhat unusual building which is part of the local townscape and should remain as such. I would suggest, however, that the application field adds little to its significance. This is not a case where public views from the Dovecote are going to be adversely changed because of the proposed development. The immediate setting of the lower parts of the Dovecote will remain unchanged and unaffected by the proposed development.

28. That being the case, there is no justification for opposing this application on the grounds that it will harm either the significance or the setting of this Dovecote.

29. The other listed building to be considered is the house known in the Statutory List as Yewtree or by its occupier as Willow Gate. This is immediately on the western boundary of the application site. Details of the entry on the Statutory List were given in paragraph 7.12 of my Design and Access statement.

30. Based on that entry I would suggest that the significance of this house arises from its architectural features rather than any historical connections with this part of Lower Tean. In paragraph 7.14 of my Design and Access statement I said that none of the elements to the building which have resulted in it being listed will be affected by the proposed development. I maintain that view in relation to the significance of this Grade II listed building. This too is in the lowest of the categories of listed building which is of relevance when considering the impact of this outline planning application on the significance and setting of Yewtree/Willow Gate.

31. Paragraph 7.13 of my Design and Access statement describes the relationship between this listed building and the application field. It said "it is the single storey element of the building that has a blank gable wall abutting the site. At that point the hedge otherwise along

the mutual boundary is missing so that the gable is fully exposed to view from the application site. The landscaping scheme to be submitted as a reserved matter can address this.

32. I would not dispute that the application field forms part of the setting of this listed building just as the more recent house known as The Firs immediately behind it does. If the Council was prepared to grant planning permission for that dwelling, which it clearly was, it is a little difficult to understand why objections are now being raised to further dwellings within the setting of the listed building, particularly as your Council has control over the form and layout of the proposed development.

33. There is nothing on the Statutory List which indicates there is a relationship between this listed building and the application field. I would agree that the statutory list does not always include all that is important about a listed building but I would have thought that whoever made the judgement that this house should be listed would have indicated that having a field next to it was important to the decision to list, if that was the case. In the absence of such a comment it is surely reasonable to conclude that the relationship is simply that one is immediately adjacent to the other and no more than that.

34. Not all listed buildings, of course, have fields next to them. The majority probably do not. Surely what is important in this case is the design of the proposed dwellings and how they relate to Yewtree and these are matters over which your Council has control.

35. Currently the application field affords public views from Heath House Lane across the site to the gable end of the single storey extension and the upper floors and roof of this listed building. That will change if this planning application is approved but the extent of that change can only properly be assessed when reserved matters are submitted for consideration.

36. At this stage, I would suggest that the only conclusion that can reasonably be reached in respect of the setting of Yewtree/Willow Gate is that less than substantial harm will be caused by this proposed development and that such harm as may be perceived can be mitigated through the approval of reserved matters.

37. The wording of this planning application allows for that to happen. Seven affordable dwellings are a certainty but the phrase “up to thirteen market dwellings” sets an upper rather than a lower limit. There is scope for dealing with matters raised in the consultations, such as the form the landscaping scheme should take, and the Council is in a position to condition matters such as layout and the design of dwellings. Any perceived harm to this listed building can be mitigated and as such there is no justification for refusing this outline planning application on those grounds.

38. Finally, Mrs Bayliss refers you to the County Historic Landscape Character. This was discussed in paragraphs 5.9 and 5.10 of my Design and Access statement.

John Wren.

26<sup>th</sup> January 2016.